

# **EXHIBIT B**

1                   IN THE UNITED STATES DISTRICT COURT  
2                   FOR THE SOUTHERN DISTRICT OF ILLINOIS  
3                   CATHERINE ALEXANDER,  
4                   Plaintiff,  
5                   vs.    Case No. 3:18-cv-0966-MJR-MAB  
6                   TAKE-TWO INTERACTIVE SOFTWARE,  
7                   INC., 2K GAMES, INC., 2K SPORTS,  
8                   INC., WORLD WRESTLING ENTERTAINMENT,  
9                   INC., VISUAL CONCEPTS ENTERTAINMENT,  
10                  YUKE'S CO., LTD., and YUKE'S LA, INC.,  
11                  Defendants.

12 -----/

14                  \*\* CONFIDENTIAL \*\*

15                  Videotaped deposition of MARK LITTLE

16                  Novato, California

17                  Wednesday, August, 14, 2019

18                  9:21 a.m.

21                  Job No.: 257052

22                  Pages: 1 - 180

23                  Stenographically reported by:

24                  Lorrie L. Marchant, CA CSR No. 10523

25                  RMR, CRR, CCRR, CLR

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1	what was the role of Visual Concepts in developing	10:42:18
2	the WWE 2K16 game?	10:42:19
3	A. Sure. So for WWE 2K16, Visual Concepts was	10:42:25
4	essentially running as the creative team for the	10:42:32
5	game. We would also -- we were co-developing the	10:42:34
6	game with YUKE'S, so YUKE'S had been the historic	10:42:37
7	developer. They've been developing the game for	10:42:41
8	over 20 years. So they were the primary developers.	10:42:43
9	So they owned -- have the game engine, they have the	10:42:47
10	largest amount of the developers on the project.	10:42:49
11	But the Visual Concepts team would provide	10:42:52
12	ancillary support, creative direction. And then	10:42:57
13	what we did is we also brought some of the	10:42:59
14	technologies that we use on NBA and some of the	10:43:02
15	advanced technologies we know from building modern	10:43:05
16	games to help promote the WWE game and make it move	10:43:08
17	forward.	10:43:12
18	Q. Okay. But at the time that WWE 2K was	10:43:12
19	developed, YUKE'S had a game engine in place for the	10:43:16
20	WWE games; right?	10:43:18
21	A. Yes.	10:43:20
22	Q. Okay. Did Visual Concepts provide	10:43:20
23	technology that was later incorporated in the YUKE'S	10:43:22
24	game engine?	10:43:24
25	MS. CENDALI: Objection to form.	10:43:26

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1	as he shows in the game they're not involved with.	10:52:32
2	Their involvement would be mostly limited	10:52:35
3	to the publish -- publishing, marketing, promotion	10:52:38
4	of the game, however they might have been involved.	10:52:41
5	That would be the best of my knowledge.	10:52:44
6	Q.     Okay. What was the role of 2K Sports	10:52:48
7	Incorporated in the depiction of Mr. Orton in the	10:52:49
8	WWE games?	10:52:52
9	A.     As I just stated, they're not involved --	10:52:56
10	2K Sports is not involved in the development. So	10:52:59
11	how he appears in the game is more on the	10:53:02
12	development side. So that would be more of a Visual	10:53:03
13	Concepts-YUKE'S activity.	10:53:06
14	Q.     I understand.	10:53:10
15	A.     2K Sports would be publishing and marketing	10:53:11
16	and anything that we did promotional materials of,	10:53:13
17	which I don't recall when we have used them.	10:53:15
18	Q.     Understood.	10:53:18
19	So is it accurate to say that neither	10:53:19
20	2K Games nor 2K Sports had any role in the depiction	10:53:21
21	of Mr. Orton in the video games?	10:53:24
22	A.     I mean, I would -- I would say that they	10:53:34
23	didn't have any direct role.	10:53:42
24	Q.     Did they have an indirect role?	10:53:43
25	A.     I was trying to think if they did have an	10:53:45

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1 So in the motion capture studio, we will -- 11:17:17  
2 for instance, with Randy Orton's entrance, we will 11:17:20  
3 have someone come in and perform the entrance in the 11:17:23  
4 exact same way and style as Randy Orton so that we 11:17:26  
5 can transfer it into the game. 11:17:28

6 BY MR. FRIEDMAN: 11:17:29

7 Q. I see. Thank you. 11:17:29

8 So -- so with Mr. Orton specifically, you 11:17:32  
9 did not use motion capture to get things like his 11:17:34  
10 gait or walk; correct? 11:17:37

11 A. We use -- I would not characterize it that 11:17:40  
12 way. We use motion capture to capture how he moves. 11:17:42  
13 We just don't have Randy Orton himself do it due to 11:17:46  
14 accessibility. 11:17:49

15 Q. So there is an actor who is impersonating 11:17:51  
16 Randy Orton, and that actor is motion captured by 11:17:54  
17 Take-Two and later depicted as if he were 11:17:58  
18 Randy Orton; is that accurate? 11:18:01

19 A. Yes, that would be more accurate. And just 11:18:03  
20 to clarify, these are actual wrestlers too, so it's 11:18:05  
21 not like Hollywood actors. They're wrestlers as 11:18:08  
22 well. 11:18:12

23 Q. Sure. Well, and that makes sense because 11:18:12  
24 you're going for realism; right? 11:18:14

25 A. "Authenticity" is generally the word I 11:18:16

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1	would use.	11:18:17
2	Q. Authenticity. Okay.	11:18:17
3	All right. So following the topology stage	11:18:19
4	of photogrammetry, what's the next step?	11:18:21
5	A. At a high level, it involves the extraction	11:18:28
6	of the skin detail from the photographs. So that --	11:18:31
7	Q. I'm sorry to cut you off because I am	11:18:37
8	trying to understand this process.	11:18:40
9	A. M-hm.	11:18:44
10	Q. Okay. So let me get this straight. You	11:18:44
11	take all the photographs; right? From that single	11:18:46
12	set of a thousand photographs, approximately, you	11:18:49
13	extract topology data and create a mesh; right?	11:18:52
14	A. M-hm.	11:18:56
15	Q. Okay. Now, from that same set of	11:18:56
16	photographs, you're extracting something else, and I	11:18:58
17	think that's what you're starting to talking about;	11:19:00
18	is that right?	11:19:03
19	A. That is correct.	11:19:03
20	Q. Okay. Now, what is the step after	11:19:04
21	topology, then?	11:19:06
22	A. The -- this next step. In general terms,	11:19:08
23	there's actually quite a few technical steps that	11:19:10
24	I'm not an expert on. The next step is the	11:19:12
25	extraction of the detail on the skin for the	11:19:17

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1	In the photo reference process, you start	12:27:40
2	with a photograph, and then you go through a	12:27:42
3	modeling process; right? Correct?	12:27:44
4	A. Yes. That is generally the steps.	12:27:48
5	Q. In that modeling process, there is artistic	12:27:50
6	input; is that accurate?	12:27:55
7	MS. CENDALI: Objection to form.	12:27:57
8	Mischaracterizes his testimony.	12:27:58
9	THE WITNESS: The goal, just as we've said	12:28:00
10	before, is that we try and re-create these as	12:28:03
11	authentically as possible. So the process of doing	12:28:06
12	the modeling is the goal, and the objective is to	12:28:10
13	re-create it as authentically as we can.	12:28:13
14	So, in fact, it's not a wildly creative	12:28:16
15	process. It's more of a rote function of trying to	12:28:19
16	re-create what you see, to the best of our	12:28:22
17	abilities. And obviously there are limitations on	12:28:26
18	what we can do in games.	12:28:28
19	BY MR. FRIEDMAN:	12:28:29
20	Q. Okay. So -- okay. All right. That's	12:28:30
21	fine.	12:28:32
22	MR. FRIEDMAN: We can go off the record for	12:28:48
23	a moment.	12:28:48
24	THE VIDEOGRAPHER: Please stand by.	12:28:50
25	We are off the record. The time is 12:29.	12:28:51

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1	TV.	01:12:10
2	Q. Understood.	01:12:12
3	Okay. My question, though, is did	01:12:12
4	reproducing Mr. Orton's tattoos as they appear in	01:12:14
5	real life contribute to the authenticity of the WWE	01:12:18
6	video games?	01:12:22
7	A. I don't know that you could separate out	01:12:23
8	tattoos. It's Randy Orton as a person, his entire	01:12:25
9	appearance, his persona, and the person that he is	01:12:29
10	inside of the WWE. That's the important part. And	01:12:33
11	there's obviously many elements to that.	01:12:36
12	Q. Is one of those elements Randy Orton's	01:12:39
13	tattoos?	01:12:41
14	A. I think the way I would say it is it's his	01:12:44
15	physical appearance, whatever that may comprise.	01:12:47
16	Q. Okay. In your mind, does his physical	01:12:50
17	appearance comprise his tattoos?	01:12:52
18	A. Yes, you can see his tattoos.	01:12:54
19	Q. Okay. So then going back a couple of	01:12:55
20	questions, then, would you say that the reproduction	01:12:57
21	of Randy Orton's tattoos as they appear in real life	01:12:59
22	contributed to the realism of the WWE video games?	01:13:02
23	A. I mean, I think -- I think I said this many	01:13:06
24	times. I tend to use the word "authentic."	01:13:09
25	Q. And I said "realism." So I'll reask the	01:13:12

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1 question. And I said earlier I was going to start 01:13:15  
2 using "authenticity," and I haven't. Okay. So 01:13:17  
3 strike that previous question. 01:13:19

4 Did the -- does the reproduction by 01:13:22  
5 Take-Two of Mr. Orton's tattoos, as they appear in 01:13:25  
6 real life, contribute to the authenticity of the WWE 01:13:29  
7 video games? 01:13:31

8 A. I think that his -- the appearance of 01:13:32  
9 Randy Orton as Randy Orton is the important part, to 01:13:36  
10 the best of our ability, in all aspects that are 01:13:40  
11 Randy Orton. 01:13:42

12 Q. Is one of those aspects his tattoos? 01:13:42

13 A. I mean, Randy Orton has tattoos on his 01:13:51  
14 body. 01:13:54

15 Q. Right. And you said that a bunch of 01:13:54  
16 aspects contribute to the authenticity of 01:13:56  
17 Randy Orton in the WWE games. Okay? So -- and now 01:13:58  
18 you're saying that one of those aspects includes his 01:14:02  
19 tattoos. 01:14:04

20 Am I following you so far? 01:14:05

21 A. I'm saying that our goal with him being 01:14:06  
22 authentic is for him to look exactly like he does on 01:14:08  
23 programming. So however he looks on programming, 01:14:10  
24 that's what I'm trying to make him look like in the 01:14:13  
25 game. 01:14:15

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1	or as authentic as they can, right. And so the	01:17:30
2	technique we use obviously captures everything	01:17:34
3	that's on their skin.	01:17:37
4	Q. Right. And one aspect of Mr. Orton's	01:17:38
5	authenticity in real life is his tattoo of his	01:17:41
6	current wife, Kim; right?	01:17:43
7	A. That is how he appears.	01:17:47
8	Q. Okay. And if I told you that Mr. Orton has	01:17:48
9	done interviews with media and discussed the	01:17:53
10	importance of his Kim tattoo, would you have any	01:17:57
11	reason to think that that didn't occur?	01:18:00
12	MS. CENDALI: Outside the scope.	01:18:04
13	But you may answer.	01:18:04
14	THE WITNESS: I wouldn't believe that you	01:18:06
15	would make that story up to me, but I have no actual	01:18:07
16	information on it.	01:18:09
17	BY MR. FRIEDMAN:	01:18:10
18	Q. So -- so then one aspect -- well, strike	01:18:11
19	that.	01:18:15
20	So now let's look at the other tattoos.	01:18:15
21	Right. And we'll get back to my original question,	01:18:17
22	and I'll just reask it again. Okay.	01:18:19
23	Was the reproduction of Mr. Orton's tattoos	01:18:22
24	as they appear in real life, did that contribute to	01:18:25
25	the authenticity of the WWE video games?	01:18:29

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1 A. I think that the fact that we reproduce 01:18:40  
2 them as you see on TV is -- is the important part as 01:18:44  
3 he is, to be authentic. 01:18:47

4 Q. Understood. And one aspect of that 01:18:49  
5 authenticity is his real life tattoos. 01:18:51

6 Do you agree? 01:18:53

7 MS. CENDALI: Okay. Asked and answered. 01:18:54

8 THE WITNESS: I think the part I'm having 01:18:57  
9 trouble separating out in my head is that we take 01:18:58  
10 photos of their bodies and their skin, and however 01:19:02  
11 they look is what goes on there. I don't think I've 01:19:04  
12 ever heard anyone tell me that a specific tattoo 01:19:07  
13 will make or break authenticity because it's an 01:19:12  
14 overall package. 01:19:15

15 So, you know, there are little details, 01:19:16  
16 depending on the superstar or the wrestler from year 01:19:19  
17 to year, that might not be 100 percent correct. And 01:19:23  
18 the overall goal is that we get the majority of it 01:19:26  
19 correct. 01:19:29

20 BY MR. FRIEDMAN: 01:19:30

21 Q. Okay. 01:19:30

22 A. If that makes sense. 01:19:30

23 Q. That does make a lot of sense. 01:19:31

24 But my question wasn't about whether his 01:19:33  
25 reproduction of his tattoos would make or break the 01:19:35